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Attorneys for Defendants Texas Turkeys, Inc. dba Armadillo Willy's BBQ, John M. Filice, Jr., Trustee of the John M. Filice Family Trust UTA dated November 8, 1970, erroneously sued herein as an individual, and Craig P. Filice

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Attorneys for Plaintiff
VICTOR EVERLOVE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICTOR EVERLOVE,
Plaintiff,

vs.

TEXAS TURKEYS, INC. dba ARMADILLO
WILLY'S BBQ; JOHN M. FILICE, JR.;
CRAIG P. FILICE; and DOES 1 to 10,
INCLUSIVE,
Defendants.

Case No. C09-05361 LHK

**STIPULATION TO CONTINUE
MEDIATION AND CASE
MANAGEMENT CONFERENCE**

Mediation: September 16, 2010
CMC: September 22, 2010

Plaintiff Victor Everlove, by and through his counsel, Celia McGuinness of the Law Offices of Paul L. Rein, and Defendants Texas Turkeys, Inc. dba Armadillo Willy's BBQ,

John M. Filice, Jr., Trustee of the John M. Filice Family Trust UTA dated November 8, 1970, erroneously sued herein as an individual, and Craig P. Filice, by and through their counsel, James A. Sarraill, of Sarraill, Castillo & Hall, LLP, request that the Mediation, currently scheduled for September 16, 2010, be continued to September 22, 2010 at 2:00 p.m., and that the Case Management Conference, currently scheduled for September 22, 2010 at 2:00 p.m., be continued to October 20, 2010, for the following reasons:

Counsel for the parties conducted an extensive pre-mediation meeting at the site on September 13, 2010, which brought the parties close to agreement on injunctive relief, and Defendants need time to determine the costs of proposed injunctive and to provide Plaintiff with further information regarding the proposed settlement in this regard. The parties believe that continuance of the Mediation from September 16th to September 22nd will thereby facilitate a cost effective settlement. The currently scheduled date for the Case Management Conference, September 22nd, is already available to all parties, and mediator Robin Siefkin has agreed, pending the Court's approval, to conduct the Mediation from 2 p.m. to 5 p.m. on September 22nd.

The October 20, 2010, Case Management Conference date is requested on the ground that Defendants' counsel, James A. Sarraill, is starting a three week long trial on September 27, 2010, and also has a pre-paid vacation starting October 21, 2010. Plaintiff's counsel is agreeable to this date, and requests that the CMC not be continued past October 20th in order to maintain momentum in this case.

Date: September 15, 2010

Respectfully submitted,

Sarraill, Castillo & Hall, LLP

By James A. Sarraill

Attorneys for Defendants Texas Turkeys, Inc.
dba Armadillo Willy's BBQ, John M. Filice, Jr.,
Trustee of the John M. Filice Family Trust UTA
dated November 8, 1970, erroneously sued
herein as an individual, and Craig P. Filice

//

1 Date: September 15, 2010

Law Offices of Paul L. Rein

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3 /s/ Celia McGuinness
4 By Celia McGuinness
5 Attorneys for Plaintiff Victor Everlove
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Attorneys for Plaintiff
VICTOR EVERLOVE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICTOR EVERLOVE,

Plaintiff,

vs.

Case No. C09-05361 LHK

~~PROPOSED~~ ORDER TO CONTINUE
MEDIATION AND CASE
MANAGEMENT CONFERENCE

TEXAS TURKEYS, INC. dba ARMADILLO
WILLY'S BBQ; JOHN M. FILICE, JR.;
CRAIG P. FILICE; and DOES 1 to 10,
INCLUSIVE,

Defendants.

Pursuant to the stipulation by Victor Everlove, by and through his counsel, Celia McGuinness of the Law Offices of Paul L. Rein, and Defendants Texas Turkeys, Inc. dba

1 Armadillo Willy's BBQ, John M. Filice, Jr., Trustee of the John M. Filice Family Trust UTA
2 dated November 8, 1970, erroneously sued herein as an individual, and Craig P. Filice,
3 by and through their counsel, James A. Sarraill, of Sarraill, Castillo & Hall, LLP, requesting
4 that the Mediation, currently scheduled for September 16, 2010, be continued to
5 September 22, 2010 at 2:00 p.m., and that the Case Management Conference, currently
6 scheduled for September 22, 2010 at 2:00 p.m., be continued to October 20, 2010, the
7 Court makes the following order:

8 The Mediation, currently scheduled for September 16, 2010, is continued to
9 September 22, 2010 at 2:00 p.m.; the Case Management Conference, currently scheduled
10 for September 22, 2010 at 2:00 p.m., is continued to October 20, 2010 at 2:00 p.m.

11 The deadline for filing a Joint Case Management Conference Statement is October 13,
12 2010. If the case settles, the parties shall file a stipulation of dismissal by October 13, 2010.

13 **IT IS SO ORDERED.**

14 Date: September ¹⁵, 2010

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17 LUCY H. KOH
18 United States District Judge
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